

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nisar P. Malek *et al.*

Application No.: 10/502,001

Filed: July 19, 2004

For: COMPOSITIONS AND METHODS
FOR INCREASING ANIMAL SIZE
AND GROWTH RATE

Customer No.: 20350

Confirmation No. 6809

Examiner: Valerie B. Bertoglio

Technology Center/Art Unit: 1632

DECLARATION OF JAMES ROBERTS
UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, James Roberts, declare as follows:

1. Nisar P. Malek and I are named as inventors of the subject matter claimed in the above-identified patent application.

2. Holly Sundberg, Seth McGrew, Keiko Nakayama, and Themis R. Kyriakidis are co-authors, together with Nisar P. Malek and myself, of the publication "A mouse knock-in model exposes sequential proteolytic pathways that regulate p27^{Kip1} in G1 and S phase," *Nature*, Volume 413, pp. 323-327, September 20, 2001 (hereinafter "*Malek et al.*").

3. The invention described and claimed in the subject application was conceived by Nisar P. Malek and myself, and reduced to practice either by us or by others under our direction and supervision. Holly Sundberg, Seth McGrew, Keiko Nakayama, and Themis R. Kyriakidis are not inventors of the subject matter claimed in the present application.

4. Holly Sundberg, at the time of publication of Malek *et al.*, was a postdoctoral fellow working at the Fred Hutchinson Cancer Center. As a postdoctoral fellow, she performed technical aspects of this work under the direction of Dr. Malek.

5. Seth McGrew, at the time of publication of Malek *et al.*, was a research technician working at the Fred Hutchinson Cancer Center. As a research technician, he performed technical aspects of this work under the direction of Dr. Malek.

6. Keiko Nakayama, at the time of publication of Malek *et al.*, was a research scientist working at Kyushu University. As a scientist, he provided the *skp2* null fibroblasts used in the Malek *et al.* paper. These fibroblasts were used to determine the role of *Skp2* in p27 regulation, which is unrelated to the invention claimed here. Dr. Nakayama did not conceive of nor help to design any experiments in the Malek *et al.* paper.

7. Themis R. Kyriakidis, at the time of publication of Malek *et al.*, was a postdoctoral fellow working at the University of Washington. As a postdoctoral fellow, he provided the technical expertise needed to perform the wound-healing experiments in mice *in vivo* that are described in the Malek *et al.* paper. These experiments were conceived by Dr. Malek.

8. In summary, although Holly Sundberg, Seth McGrew, Keiko Nakayama, and Themis R. Kyriakidis were named as co-authors on the Malek *et al.* publication, as they did not participate in the conception of the subject matter disclosed and claimed in the present application, they are not inventors.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 19 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 12/13/06

By:


James Roberts